

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

September 23, 2015 at 10:00 a.m.

1. [15-24019](#)-B-13 ROY/CHERISE WHITAKER ORDER TO SHOW CAUSE - FAILURE
 Pro Se TO PAY FEES
 8-21-15 [[62](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtors, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 21, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtors' failure to pay \$77.00 due on August 21, 2015. The court's docket reflects that the default has been cured, the Debtors having paid \$77.00 on August 28, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

September 23, 2015 at 10:00 a.m.

2. [15-25223](#)-B-13 FARAHNAZ MAKHMALBAF
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-3-15 [[40](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause. However, the case will not be dismissed because on August 31, 2015, the U.S. Trustee filed a Complaint for Imposition of a Two-Year Injunction Against Filing another Bankruptcy pursuant to 11 U.S.C. §§ 349 and 195, Adversary Proceeding No. 15-2178.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on August 31, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

3. [15-25534](#)-B-13 LAWRENCE/KAPRICE CRAWFORD ORDER TO SHOW CAUSE - FAILURE
Julius M. Engel TO PAY FEES
8-17-15 [[20](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtors, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 17, 2015.

The court's tentative decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtors' failure to pay \$79.00 due on August 12, 2015. The court's docket reflects that the default has been cured, the Debtors having paid \$156.00 on August 24, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

4. [15-25941](#)-B-13 DEDRA RUSSELL
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-1-15 [[20](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on September 1, 2015.

The court's tentative decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on August 27, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$200.00 on September 1, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

5. [15-25461](#)-B-13 LONNIE SMITH
Michael O'Dowd Hays

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-13-15 [[21](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on August 10, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

6. [15-25761](#)-B-13 FRANCISCO QUEMA
Mikalah R. Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-25-15 [[16](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 25, 2015.

The court's tentative decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on August 20, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$79.00 on September 3, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

7. [15-23262](#)-B-13 GEORGE ALLEN ORDER TO SHOW CAUSE - FAILURE
 Mohammad M. Mokarram TO PAY FEES
 8-25-15 [[36](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 25, 2015.

The court's tentative decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on August 20, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$77.00 on August 31, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

8. [15-24871](#)-B-13 EDUARD BANADA
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-21-15 [[31](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$76.00 due on August 17, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

9. [15-24674](#)-B-13 JOHN/TRACI BISAGNO
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-13-15 [[26](#)]

DISMISSED: 8/28/2015

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtors, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 13, 2015.

The Order to Show Cause is discharged as moot.

The court having dismissed this bankruptcy case by prior order filed on August 28, 2015 (Dkt. 33), the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court shall enter an appropriate civil minute order consistent with this ruling.

10. [15-24877](#)-B-13 LARIESHA GLOVER
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-21-15 [[23](#)]

DEBTOR DISMISSED: 8/28/2015

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on August 21, 2015.

The Order to Show Cause is discharged as moot.

The court having dismissed this bankruptcy case by prior order filed on August 28, 2015 (Dkt. 30), the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court shall enter an appropriate civil minute order consistent with this ruling.

11. [15-25179](#)-B-13 TINA INGRASSIA
Mikalah R. Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-2-15 [[20](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on August 28, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

12. [15-24986](#)-B-13 KATHERINE SLIGHTAM ORDER TO SHOW CAUSE - FAILURE
Thru #13 Pro Se TO PAY FEES
8-26-15 [[25](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed for failure to pay fees and for the reasons stated in Item #13 below.

The Order to Show Cause was issued due to Debtor's failure to pay \$76.00 due on August 21, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

13. [15-24986](#)-B-13 KATHERINE SLIGHTAM MOTION TO DISMISS CASE
JPJ-2 Pro Se 9-9-15 [[30](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

The Trustee's Motion to Dismiss Case has been set for hearing on the 28-days' notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-BuTrk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record there are no disputed material factual issues and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The court's decision is to dismiss the case.

First, the Debtor did not appear at the duly noticed first meeting of creditors set for August 6, 2015, as required pursuant to 11 U.S.C. § 343.

Second, the Debtor is delinquent to the Trustee in the amount of \$2,024.70 through June 22, 2015, under the terms of the Plan. The Debtor has failed to make any payments into her Plan since the filing of the petition on June 22, 2015. Cause exists to dismiss the case pursuant to 11 U.S.C. §§ 1307(c)(1) and (4).

Third, the Debtor has failed to provide the Trustee with evidence of income within the 60-day period prior to the filing of the petition. Cause exists to dismiss the case pursuant to 11 U.S.C. § 521(a)(1)(B)(iv).

Fourth, the Debtor failed to provide the Trustee with a copy of her tax returns. Cause exists to dismiss the case pursuant to 11 U.S.C. §§ 521(e)(2)(A)(1), (B) & (C).

Fifth, the Debtor failed to provide the Trustee with a Class 1 Checklist and Authorization to Release Information to Trustee pursuant to 11 U.S.C. § 521(a)(3) and Local Bankr. R. 3015(c)(3). Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court shall enter an appropriate civil minute order consistent with this ruling.

14. [15-25590](#)-B-13 ERINN HAMILTON
Mikalah R. Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
8-18-15 [[17](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on August 13, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

15. [15-25538](#)-B-13 MICHAEL VIVES CONTINUED OBJECTION TO
BF-5 Thomas L. Amberg CONFIRMATION OF PLAN BY BANK OF
AMERICA, N.A.
8-25-15 [[16](#)]

Final Ruling: No appearance at the September 23, 2015, hearing is required.

Bank of America, N.A. ("Creditor") having filed a Withdrawal of Objection to Confirmation of Chapter 13 Plan on September 15, 2015, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no objection to confirmation, the plan filed July 11, 2015, will be confirmed.

The court shall enter an appropriate civil minute order consistent with this ruling.